



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW 08-04

Paper No. 11

FAY SHARPE FAGAN MINNICH & MCKEE LLP
1100 SUPERIOR AVENUE
SEVENTH FLOOR
CLEVELAND OH 44114-2518

COPY MAILED

SEP 02 2004

OFFICE OF PETITIONS

In re Application of:	:	
Calabrese et al.	:	
Application No. 09/558,613	:	ON PETITION
Filed: 26 April, 2000	:	
Attorney Docket No. Calabrese 10-3-	:	
7-16	:	

This is a decision on the renewed petition, filed on 26 August, 2004, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be processed with 30 pages of specification, including the claims and one (1) page containing the abstract, as the original disclosure.

The petition is **GRANTED**.

Petitioners assert that the specification filed with the original application papers has been misplaced in the USPTO, and that the specification contained in the original USPTO file is not the specification that applicants filed on 26 April, 2000. Specifically, petitioners assert that the application as filed consisted of 30 pages of specification, including the claims and one (1) page containing the abstract, while the specification which contained in the USPTO file consists of 35 pages.

In support, petitioners have provided an itemized postcard receipt, bearing an Office-date stamp of 04/26/00 and the above-identified application number, identifying the application by first named inventor's name and invention title, and itemizing the filing of 30 pages of specification, claims, and abstract. Petitioners have also provided a copy of the 30 pages of specification, including claims and one (1) page of abstract, asserted to have been filed on 26 April, 2000.

A review of the official record reveals that 35 pages of specification entitled "Apparatus, Method, and System for Providing Conditional Answering in Multiple Leg Telecommunication Systems" is located therein. However, the invention title as listed on the itemized cover sheet filed with the original application papers and the itemized postcard receipt provided on 15 June, 2004, is "Apparatus, Method and System for Maintaining Call Control at a Gateway Mobile Switching Center Utilizing a Packet Network."

In view of the above, the evidence is persuasive that 30 pages of specification entitled "Apparatus, Method and System for Maintaining Call Control at a Gateway Mobile Switching Center Utilizing a Packet Network" were filed on 26 April, 2000, with the present application, but that the 30 pages of specification were misplaced after receipt in the USPTO, and the application was not processed with the intended specification.

The 35 pages of specification entitled "Apparatus, Method, and System for Providing Conditional Answering in Multiple Leg Telecommunication Systems" will be not be considered part of the original disclosure. The 35 pages will not be processed or examined, but will be retained in the application file.

The application will be reprocessed with a filing date of 26 April, 2000, using the 30 pages of specification entitled "Apparatus, Method and System for Maintaining Call Control at a Gateway Mobile Switching Center Utilizing a Packet Network" supplied on 15 June, 2004.

In light thereof, the examiner may wish to reconsider the Office action mailed on 15 March, 2004.

As the petition resulted from an error on the part of the USPTO, the petition fee of \$130.00 paid with the petition filed on 15 June, 2004, will be credited to counsel's deposit account, No. 06-0308, as authorized.

The application is being forwarded to the Office of Initial Patent Examination for reprocessing with a filing date of 26 April, 2000, using the application papers filed on that date and the 30 pages of specification, including one (1) page of abstract, supplied with the original petition. Thereafter, the application will be forwarded to Technology Center 2600 for further processing.

Application No. 09/558,613

3

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

A handwritten signature in black ink, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions